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Lawyer
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Office of the Legal Adviser
Wahnerheide
BAOR 19

Being the defence counsel for Otto KULESSA, at present in the allied prison at Werl, I take the liberty of submitting you the following:

Kulessa was sentenced by a British military court at Lüneburg to 15 years' imprisonment, on 17 November 1945. On 16 April 1945, Kulessa came into English captivity when on the training center at Bergen. On 29 April 1945 he was committed to the district court prison at Celle where photographs were taken of him. The pictures taken were published in the near-by concentration camp of Belsen and prisoners possibly recognizing one of the persons represented were asked on a notification attached thereto to report to the prisoners' commission. It was before this commission that prisoners made their statements which were then recorded. Among those prisoners there was one, or may-be several, contending before the commission that Kulessa had arrived at Belsen on 2 April 1945 and shot 50 men to death. These statements are incorrect.

Kulessa's attempts to prove by witnesses that at the time in question, i.e. on 2 April 1945, he had still been at Krimderode near Nordhausen/Harz, where he had been digging out ditches for the placing of cables, were refused as irrelevant. Kulessa has never been in a camp as guardsman nor was he employed in the administration.

Kulessa is a master-miner by profession. Formerly he had been working in Silesian mines. In world war I he sustained a serious injury to the head which resulted in one eye becoming blind. This injury has disfigured his face. In the last world war he had been transferred to the Grossdeutsche Schachtbau (German pit construction Co.) During the war he has arranged for pits to be built on behalf of the said firm for whom he has continued to work up to the very last days of the war, i. e. until the first days of the month of April 1945, near Nordhausen/Harz.

As enclosures to this letter, I submit the sworn-in statements of the witnesses Hedwig and Christa Volkwein of Nordhausen-Krimderode, a certified copy of a statement in lieu of an oath by Harry Salemy, dated 5 December 1947, and a further statement in lieu of an oath by Wacław Szczechura, dated 22 April 1951. The above statements

clearly reveal that Kulesa was not at the Bergen-Belsen camp at the time of the regrettable incident and that he carried out no functions inside or outside the camp.

The only explanation I can find for the conviction of Kulesa is that, as a result of the injury sustained to his face in the first world war, his appearance corresponded to the pictures which were in part drawn by guardsmen of a concentration camp.

Kulesa has now been continuously imprisoned since 1945. Since January 1945 he has seen no one of his family. His wife and other relatives live in the eastern zone of Germany under extremely distressed conditions. As was already said he is blind of an eye. The strength of vision of the other eye is considerably reduced. At the end of 1951 he had to undergo an operation of this eye in the prison. As a consequence of his profession he furthermore suffers from a stone-dust lung. In addition to all this he has contracted a tuberculosis during the time of his imprisonment.

In consideration of these circumstances I request that order be given for the release of Kulesa.


Lawyer